

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KELLY JOANN GRIMMETT,
CHELSEA ANN MARIE GRIMMETT, SHANE
MICHAEL GUIFFRE and EIAN ANDERSON,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
September 30, 2003

V

MICHAEL GUIFFRE,

Respondent-Appellant,

No. 245114
Wayne Circuit Court
Family Division
LC No. 00-392702

and

DIANE LEE GRIMMETT, ALQUINN
MERRIWEATHER and CHRISTOPHER
ANDERSON,

Respondents.

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to his minor children, Chelsea Ann Marie Grimmatt and Shane Michael Guiffre, under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*; 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence was uncontroverted that respondent-appellant failed to visit the minor children or to seek custody of them for a period exceeding 91 days. Respondent-appellant had not visited the children since April 2001. Around that time he moved, leaving no forwarding address, and did not contact the

agency again until April 2002. Further, the conditions existing at adjudication, respondent-appellant's failure to support the minor children and to protect them from living in an unfit home, continued to exist more than one year later at the time of the permanent custody trial. Respondent-appellant had not paid child support since 1997 for the minor children and was in arrears for approximately \$25,000 at the time of the termination of his parental rights. His lack of concern for their welfare was demonstrated by his failure to visit and maintain a relationship with them. Respondent-appellant's past neglect and abandonment of the minor children, and his failure to make any sustained effort to complete the requirements of the parent-agency agreement, further indicate that they would have been likely harmed if returned to him. Likewise, respondent-appellant's total failure to comply with the treatment plan supplies evidence that he will be unable to provide proper care and custody for the children. *In re JK*, 468 Mich 202; 661 NW2d 216, 223 (2003).

In light of respondent-appellant's past neglect and abandonment of the minor children, and his continued failure to evidence any sustained commitment as a parent, the trial court did not clearly err by finding that termination of his parental rights was not contrary to the best interests of the children. MCL 712A.19b(5); *Trejo, supra*, 462 Mich 356-357.

Affirmed.

/s/ Michael R. Smolenski
/s/ William B. Murphy
/s/ Kurtis T. Wilder